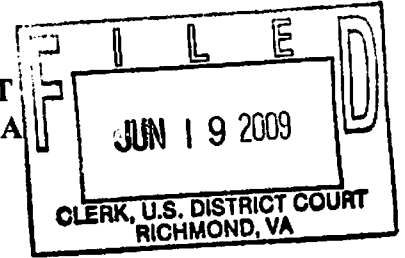


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION



UNITED STATES OF AMERICA

v.

CASE NO. 3:09CR00097-001

FRANK EDWARD BIVIANO,

Defendant

ORDER

This matter is before the court for consideration of a report and recommendation by the Magistrate Judge regarding the Magistrate Judge's acceptance of the Defendant's plea of guilty to specified charges in the pending matter pursuant to a Fed. R. Crim. P. 11 proceeding conducted by the Magistrate Judge with the consent of the Defendant and counsel. It appearing that the Magistrate Judge made full inquiry and findings pursuant to Rule 11; that the Defendant was given notice of the right to file specific objections to the report and recommendation that has been submitted as a result of the proceeding; and it further appearing that no objection has been asserted within the prescribed time period, it is hereby

ORDERED that the report and recommendation of the Magistrate Judge is ADOPTED and the Defendant is found guilty of **Count One** of the **Criminal Information**.

/s/ Red
Robert E. Payne
Senior United States District Judge

Dated: June 19, 2009